

STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE: December 17, 2008

FILE NO.: MISC-08-20

**REQUEST: TEMPORARY USE PERMIT FOR TWO
GARAGES FOR TVFR AT 1950 8TH AVENUE**

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STAFF ANALYSIS AND RECOMMENDATION

TO: West Linn Planning Commission (for December 17, 2008)
FROM: West Linn Planning Staff (Tom Soppe, Associate Planner)
DATE: December 3, 2008
FILE NO: MISC-08-20
SUBJECT: Temporary Use Permit for two garages for TVFR vehicles at 1950
8th Avenue

Planning Director's Initials _____

SPECIFIC DATA

OWNER: Willamette Capital Investments, 24979 Quarryview Dr.,
Wilsonville, OR 97070

APPLICANT: Gary Wells, Director of Support Services, Tualatin Valley
Fire & Rescue, 20665 SW Blanton St., Aloha, OR 97007

SITE LOCATION: 1950 8th Avenue

SITE SIZE: Approximately 37,000 square feet

LEGAL

DESCRIPTION: Assessor's Map 2-1E-35C, Tax Lot 2200

COMP PLAN

DESIGNATION: Mixed Use

ZONING: Mixed Use

APPROVAL

CRITERIA: Chapter 35, Temporary Structures and Uses

120-DAY RULE: This application was declared complete by staff on
November 20, 2008. The City of West Linn must exhaust

all local review by March 20, 2009 to meet the 120-day rule.

PUBLIC NOTICE: Public notice was mailed to property owners within 500 feet of the site on November 25, 2008 and the property and was posted with signs on December 3, 2008. Notice was also posted on the City's website. Consequently, the notice requirements of the Community Development Code (CDC) have been fully satisfied.

EXECUTIVE SUMMARY

On November 19, 2008, the Planning Commission approved Tualatin Valley Fire and Rescue's (TVFR) application for a Conditional Use Permit, Class II Design Review, and Class II Variance to build a new fire station on the site of the existing Willamette Fire Station at 1860 Willamette Falls Drive/1841 8th Avenue (file no. CUP-08-01/DR-08-08/VAR-08-05). As this proposal requires the current station to be torn down and the entire fire station site to be under construction for up to one year, TVFR has applied for a Temporary Use Permit for two garages to store their vehicles on the nearby vacant lot at 1950 8th Avenue. Next door to this site to the west is a single-family house at 1800 8th Avenue (which is also across the street from the rear of the station site). This house will be used to house fire fighters in lieu of the station during the demolition and construction phases; the use of the house in this manner does not need a Temporary Use Permit as this is still a residential use of the house. The applicant is applying for the Temporary Use Permit for the garages for one year. The applicant will also build an asphalt pad to allow vehicular access to the garages.

PUBLIC COMMENTS

No comments have been received to date following public notice.

RECOMMENDATION

Based upon staff findings, staff recommends approval of the application, with the following condition:

1. The one-year period for which the carport is approved for use at this site shall begin on the date of building permit issuance.

p:/devrww/staff reports/MIS-08-20

ADDENDUM

STAFF FINDING

35.040 TEMPORARY USES

A. Temporary uses include:

- 1. Uses associated with the celebration of a specific holiday such as the sale of Christmas trees and fireworks;*
- 2. Uses associated with the sale of fresh fruits, produce, and flowers;*
- 3. Uses associated with construction;*
- 4. Uses associated with festivals or celebrations or special promotional events; (ORD. 1350)*
- 5. A real estate office within a development limited to the sale of real estate in the development.*

B. Temporary uses described in Section 35.040(A) may be approved if they:

- 1. Are located on property that is appropriate for the proposed use as determined by the Planning Director;*
- 2. Have a paved or graveled surface to minimize dust generation or mud tracking;*
- 3. Have adequate parking and circulation space;*
- 4. Are in an area that will allow safe ingress and egress including adequate line of sight;*
- 5. Have the property owner's signed permission.*

FINDING NO. 1

This is a use associated with construction as it is needed because the garages will be needed during the time the nearby existing fire station is being demolished and rebuilt. The Planning Director has determined that this property is appropriate for the proposed use. The asphalt pad will be built within the dripline of the significant tree, but will be removed after the use is terminated. The applicant will pave enough area to have adequate parking and circulation space. The area allows for appropriate lines of sight and safe ingress and egress. The application includes the signature of a representative of Willamette Capital Investments, the property owner. The criteria are met.

Soppe, Tom

From: Katherine Prew [kprew@angeloplanning.com]
Sent: Wednesday, December 03, 2008 10:26 AM
To: Soppe, Tom
Cc: Peter Balzola; Wells, Gary C.
Subject: FW: Stas 59 Temp Site
Attachments: Sta 59 Temp 6.JPG; Sta 59 Temp 1.JPG; Sta 59 Temp 2.JPG; Sta 59 Temp 3.JPG; Sta 59 Temp 4.JPG; Sta 59 Temp 5.JPG

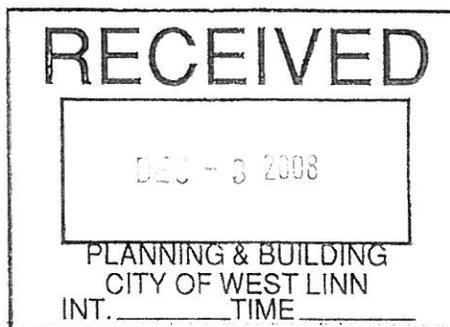
Tom,

Below is the email from Pete Balzola that discusses the tree protection issues at the Temporary Station 59 site in some more depth. Please let me know if this does not answer your question or if there is anything else that you need. Also, to answer you question from our phone conversation the asphalt pad and walkways will be removed from the site once the temporary station is vacated. This is also stated in the development application on page 2 under "Project Timeframe".

Please let me know if there is anything else that you need.

Thanks, Katie

Katie Prew, AICP
Angelo Planning Group
921 SW Washington Street, Suite 468
Portland, OR 97205
Direct: 503-224-8225
Fax: 503-227-3679
www.angeloplanning.com



From: Peter Balzola [mailto:peter@milstead.us]
Sent: Tuesday, December 02, 2008 3:49 PM
To: Katherine Prew
Cc: Wells, Gary C.; Higley, Mark W.
Subject: Stas 59 Temp Site

Additional information on the temp site for Sta 59 and the concerns on the protection of the tree:

- Talked with Mark Higley who has had previous discussions with the City, Tom Soppe, on the location of the drive way in relationship with the tree. It was pointed out that the tree protection would be installed at the present west drip line of the tree and on the north and east side 10' out from the drip line if required. This seemed to be acceptable to the City and also our Arborist.
- Talking with the arborist, TVFR had the tree pruned earlier this summer.
- We have approximately 60' from the trunk to the west property line and approximately 36' from the drip line to the west property line.

Our approach will be that we would install the tree protection at the westerly drip line and install our temporary drive next to the protection. On the remaining areas around the tree, we can provide as much additional distance outside of the drip line as requested. I think West Linn requires 10'.

I have attached photos for reference.

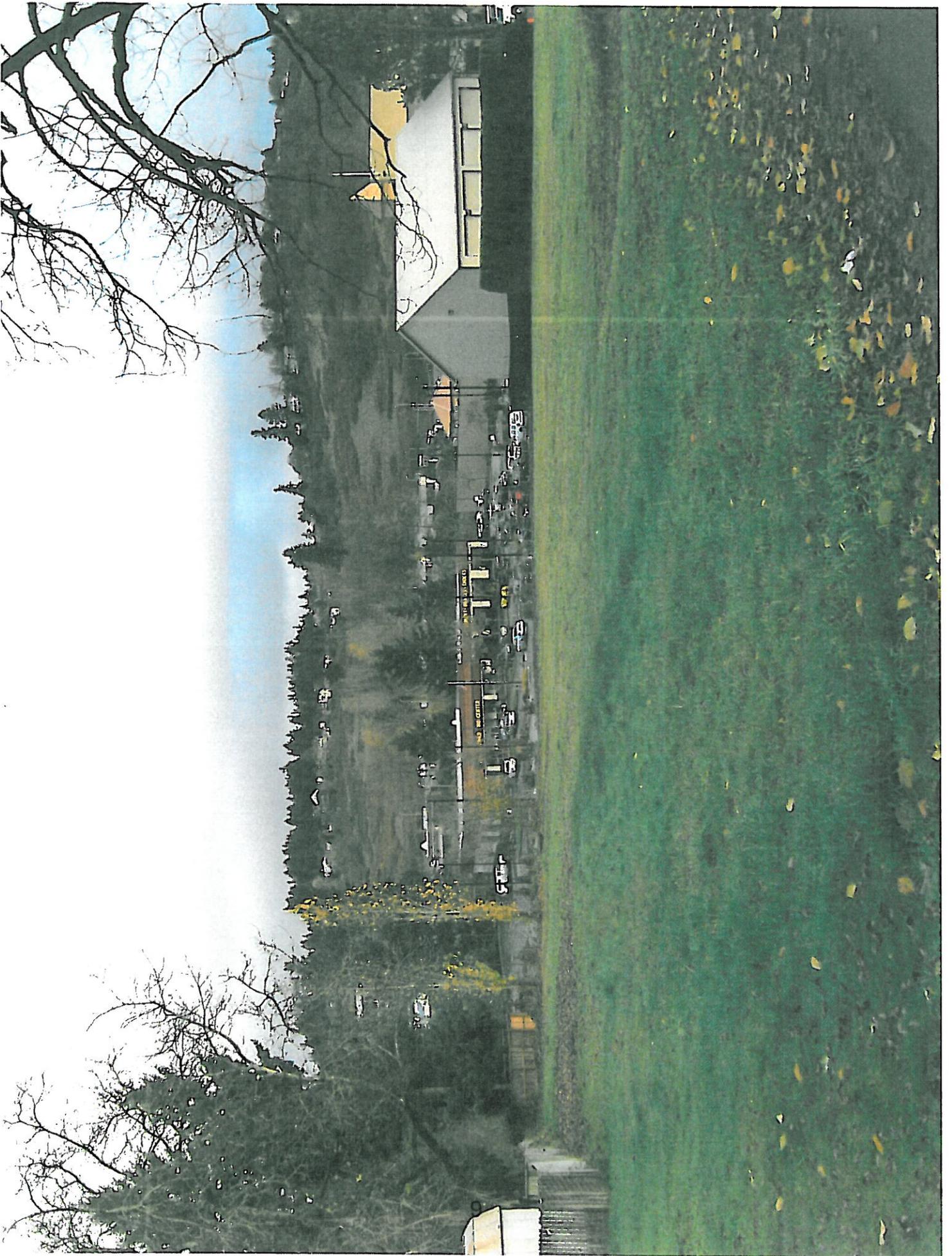
Any questions or concerns let me know.

Peter M. Balzola, PE
Sr. Project Manager
MILSTEAD & ASSOCIATES, INC.
10121 SE Sunnyside Road, Suite 335
Clackamas, OR 97015
503-654-2336
peter@milstead.us













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AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. MISC-08-20 Applicant's Name TVFR
Development Name Temp Use Apparatus Bay
Scheduled Meeting/Decision Date 12/17/08

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check one below)

Type A

- A. The applicant (date) 11-25-08 (signed) CB
- B. Affected property owners (date) 11-25-08 (signed) CB
- C. School District/Board (date) 11-25-08 (signed) CB
- D. Other affected gov't. agencies (date) 11-25-08 (signed) CB
- E. Affected neighborhood assns. (date) 11-25-08 (signed) CB
- F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted in
Tidings (published date) 12/3/2008 (signed) [Signature]
City's website (posted date) 11/29/2008 (signed) [Signature]

Type B _____

- ~~A. The applicant (date) _____ (signed) _____~~
- ~~B. Affected property owners (date) _____ (signed) _____~~
- ~~C. School District/Board (date) _____ (signed) _____~~
- ~~D. Other affected gov't. agencies (date) _____ (signed) _____~~
- ~~E. Affected neighborhood assns. (date) _____ (signed) _____~~

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

Type C _____

- ~~A. The applicant (date) _____ (signed) _____~~
- ~~B. Affected property owners (date) _____ (signed) _____~~
- ~~C. Affected neighborhood associations (date) _____ (signed) _____~~

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) _____ (signed) _____

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
PLANNING COMMISSION
PUBLIC HEARING NOTICE**

FILE NO. MISC-08-20

The West Linn Planning Commission, at its scheduled meeting on Wednesday, December 17, 2008, starting at 7:00 p.m. in the Council Chambers of City Hall (located at 22500 Salamo Road, West Linn, OR) will hold a public hearing to consider a request of Tualatin Valley Fire and Rescue to place two metal garages at 1950 8th Avenue. This is a temporary use application as the garages will be used to store fire department vehicles while the existing nearby station is being torn down and rebuilt. The decision by City Council shall consider the criteria of Community Development Code Chapter 35.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the proposed site located at tax lot 2200 of Clackamas County Assessor's Map 2-1E-35C and/or as required by Chapter 99 of the West Linn Community Development Code.

All documents and applicable criteria in the above-noted file are available for inspection at no cost, or copies can be obtained for a minimal charge per page. At least 10 days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Tom Soppe, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR (please E-mail at tsoppe@ci.west-linn.or.us or phone 503-742-8660).

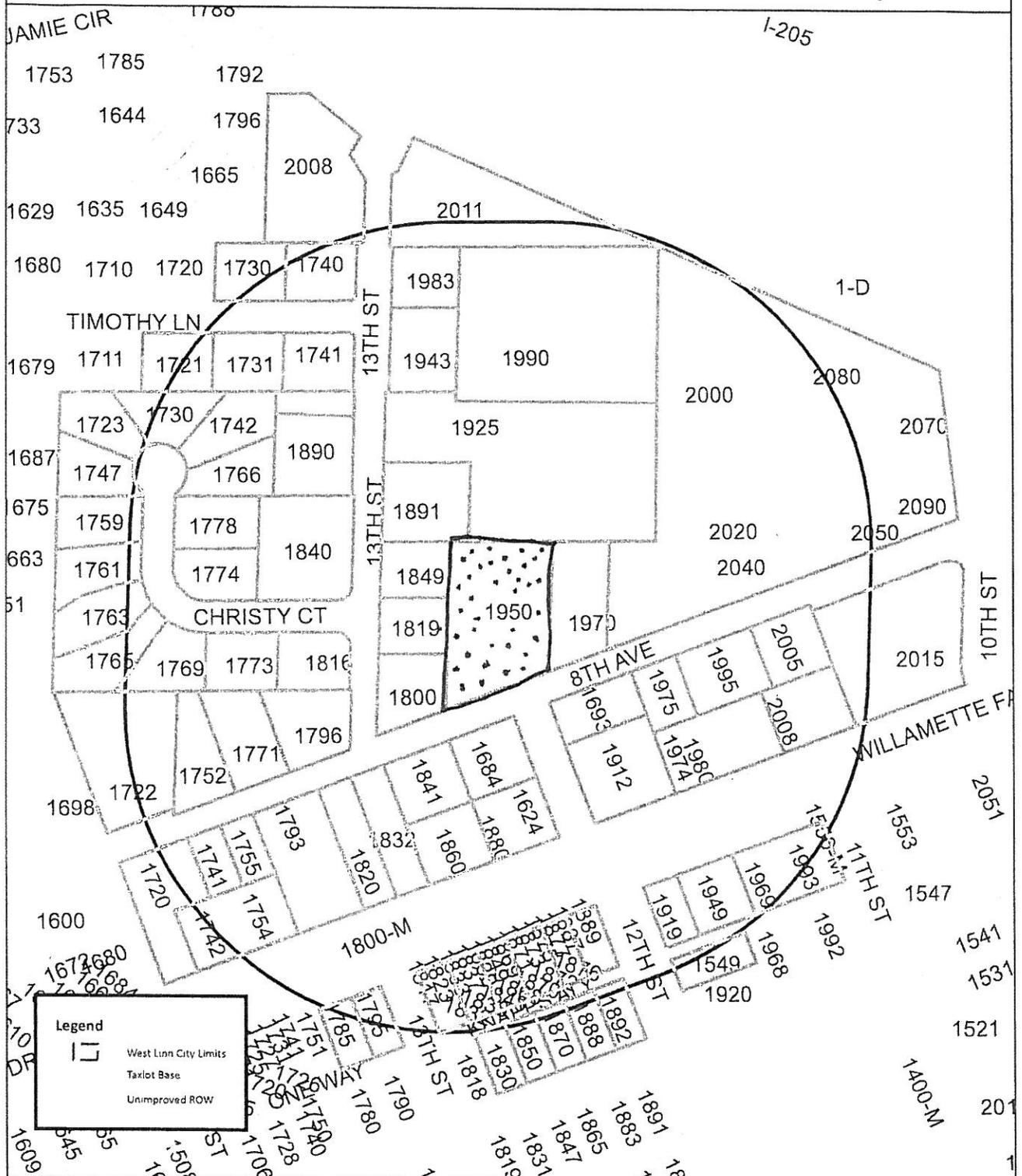
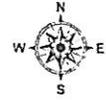
Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff report presentation from the City Planner; and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, or close the public hearing and take action on the application.

Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals based on that issue.

TERESA ZAK
Planning Department
Administrative Asst.

p:/ccnotices/ccnotice-MIS-08-20

MISC-08-20 1950 8th Avenue



This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Taxlot Base Source: Metro RLIS

NOT TO SCALE



SNAPNOTIFY MXD / APP 9-17-08

User Name: T Zak
Map Creation Date: Nov 24, 2008

ADAMS STEPHEN
4111 N LOCUST ST
CANBY, OR 97013

ANDERSON IRENE
1693 12TH ST
WEST LINN, OR 97068

ARES RICHARD D & M JOYCE
1920 NE COUNTRY CLUB DR
CANBY, OR 97013

ARMOVIT HEIDI C
1765 CHRISTY CT
WEST LINN, OR 97068

BECKER CLAIRE T
25120 SW PETES MOUNTAIN RD
WEST LINN, OR 97068

BROWN WOODROW W TRUSTEE
1773 CHRISTY CT
WEST LINN, OR 97068

BUTLER GLENN KENT TRUSTEE
11835 SW EBBERTS CT
BEAVERTON, OR 97008

CHRISTIANSEN ROGER M & JUDITH
1891 13TH ST
WEST LINN, OR 97068

CLARK RICHARD K & ANGELA
1774 CHRISTY CT
WEST LINN, OR 97068

CONKLIN REBEKAH A & TIMOTHY S
1888 6TH AVE
WEST LINN, OR 97068

CROPPER WALTER REUBEN &
CHERYL
1816 13TH ST
WEST LINN, OR 97068

EDGINTON BETTE & ROY D LIFE
24800 SW LABROUSSE RD
SHERWOOD, OR 97140

FARZA JAVAD & MAFAR ZAHRA
7110 SW CLINTON
TIGARD, OR 97223

FIEDLER KEITH C
1890 13TH ST
WEST LINN, OR 97068

FITZPATRICK RYAN M
1766 CHRISTY CT
WEST LINN, OR 97068

FLETTER KURT R
1731 TIMOTHY LN
WEST LINN, OR 97068

GAMBLE LELAND E
1769 CHRISTY CT
WEST LINN, OR 97068

GRAEF KATHLEEN E
2545 SNOWBERRY RIDGE CT
WEST LINN, OR 97068

HANDRIS EDWARD & TERESA M
2008 WILLAMETTE FALLS DR #B
WEST LINN, OR 97068

HANDRIS MARK
1980 WILLAMETTE FALLS DR #200
WEST LINN, OR 97068

HANDRIS MARK
2008 WILLAMETTE FALLS DR #B
WEST LINN, OR 97068

HART JULIA
1755 8TH AVE
WEST LINN, OR 97068

HAYS TOBY
1723 CHRISTY CT
WEST LINN, OR 97068

HERRERA PATRICIA M
1740 TIMOTHY LN
WEST LINN, OR 97068

HUSKEY ESTATES LLC
PO BOX 495
WEST LINN, OR 97068

KIM BYONG
10354 HALFHITCH DR
ANCHORAGE, AK 99515

KOTZAMICHALIS CONSTANTINOS &
1721 TIMOTHY LN
WEST LINN, OR 97068

LANDIS LANCE S
1830 DEANA DR
WEST LINN, OR 97068

LARSON PATRICIA L
1752 8TH AVE
WEST LINN, OR 97068

LAVITZ DARCI L
1759 CHRISTY CT
WEST LINN, OR 97068

LEAVENWORTH ADRIANNE KRISTEN
1742 CHRISTY CT
WEST LINN, OR 97068

LIGHTOWLER JOHN W
24900 SW BIG FIR RD
WEST LINN, OR 97068

LORIAUX D LYNN & TERESA
CHOATE
1830 6TH AVE
WEST LINN, OR 97068

MCFADDEN THOMAS A & SHARON L
1850 6TH AVE
WEST LINN, OR 97068

MOLES CLEMENT C JR & PATRICIA A
1995 8TH AVE
WEST LINN, OR 97068

MORTON DON R & CYNTHIA SUE
1970 8TH AVE
WEST LINN, OR 97068

PAKULA JENNY & SCOT GELFAND
2500 CRESTVIEW DR
WEST LINN, OR 97068

PAZMOL WILLAMETTE PROPERTIES
1832 WILLAMETTE FALLS DR
WEST LINN, OR 97068

PETER ANGELA J L-EST
1840 13TH ST
WEST LINN, OR 97068

PIOWATY THOMAS M
1761 CHRISTY CT
WEST LINN, OR 97068

POTTER DONNA KAY & KENNETH C
22841 SW STAFFORD RD
TUALATIN, OR 97062

REYNOLDS CLIFFORD O
1943 13TH ST
WEST LINN, OR 97068

SCHAEFER DONALD M & MILYNN
18655 NE CHEHALEM DR
NEWBERG, OR 97132

SCHAFFER EUGENE W JR & MARY ANN
1741 TIMOTHY LN
WEST LINN, OR 97068

SCHREIBER DANIEL & NICOLE M
1870 6TH AVE
WEST LINN, OR 97068

SOUTHARDS WALTER E & DEBRA R
1778 CHRISTY CT
WEST LINN, OR 97068

SPARKS JERRY B & LEANNA E
1796 8TH AVE
WEST LINN, OR 97068

STORE ACCOUNTING
PO BOX 667
PRINEVILLE, OR 97754

TEKANDER STEVE
465 SW BORLAND RD
WEST LINN, OR 97068

TRO LLC
2726 NE 11TH AVE
PORTLAND, OR 97212

TSAI NANCY L
1037 MADSEN CT
PLEASANTON, CA 94566

TUALATIN VALLEY FIRE & RESCUE
20665 SW BLANTON
ALOHA, OR 97007

VAIL DAVID B & CARLA S
1771 8TH AVE
WEST LINN, OR 97068

VPC-OR WEST LINN LIMITED
125 SIR FRANCIS DRAKE BLVD 3RD flr
LARKSPUR, CA 94939

WELLER RYAN R
1741 8TH AVE
WEST LINN, OR 97068

WERST DEAN C & JEAN A
1785 WILLAMETTE FALLS DR STE 6
WEST LINN, OR 97068

WESTON CODY M
1892 6TH AVE
WEST LINN, OR 97068

WILLAMETTE CHURCH OF CHRIST
2015 8TH AVE
WEST LINN, OR 97068

WILLAMETTE FALLS ENTRPS LLC
1919 WILLAMETTE FALLS DR
WEST LINN, OR 97068

WILLAMETTE FALLS HOLDINGS LLC
1980 WILLAMETTE FALLS DR #200
WEST LINN, OR 97068

WILLIAMS RONALD M & TIFFANY A
1763 CHRISTY CT
WEST LINN, OR 97068

WYNN R BRYAN & KARIN G
1730 TIMOTHY LN
WEST LINN, OR 97068

GARY WELLS, DIR. OF SUPPORT SER
TUALATIN VALLEY FIRE & RESCUE
20665 SW BLANTON ST
ALOHA, OR 97007

FRANK ANGELO/KATHERINE PREW
ANGELO PLANNING GROUP
921 SW WASHINGTON STE: 468
PORTLAND, OR 97205

WILLAMETTE CAPITOL
INVESTMENTS
24979 QUARY VIEW DRIVE
WILSONVILLE, OR 97070

METRO
MIRANDA BATESCHELL
600 NE GRAND AVENUE
PORTLAND, OR 97232

ROGER WOEHL
WLWV SCHOOL DIST
P.O. BOX 35
WEST LINN, OR 97068

Willamette + ALL



CITY OF West Linn

November 20, 2008

Gary Wells
Tualatin Valley Fire and Rescue
20665 SW Blanton St.,
Aloha, OR 97007

SUBJECT: MIS-08-20

Dear Mr. Wells:

You submitted materials on November 17, 2008 making this application complete. Staff has declared the application complete on November 20, 2008. Pursuant to Oregon Revised Statutes Chapter 227.178, the city is obliged to exhaust all local review by March 20, 2009. The application has been tentatively scheduled for a City Council hearing on December 17, 2008.

Please contact me at 503-742-8660, or by email at tsoppe@ci.west-linn.or.us if you have any questions or comments, or if you wish to meet with planning staff.

Sincerely,

Tom Soppe
Associate Planner

c: Frank Angelo/Katherine Prew, AICP; Angelo Planning Group, 921 SW Washington St., Ste. 468, Portland, OR 97205

c: Willamette Capital Investments, 24979 Quarryview Dr., Wilsonville, OR 97070

p:/devrvw/completeness check/compl MIS-08-20

sent 11/24/08

**Tualatin Valley Fire & Rescue
Temporary Station 59**

Temporary Use Permit Application

Submitted to the City of West Linn
Planning Department

November 14, 2008

Temporary Use Permit Application Summary Information

Applicant: Gary Wells
Director of Support Services
Tualatin Valley Fire & Rescue
20665 SW Blanton Street
Aloha, Oregon 97007
Phone: (503) 642-0331
Fax: (503) 642-9655
Email: gary.wells@tvfr.com

Land Use Planning: Frank Angelo
Angelo Planning Group
921 SW Washington Street, Suite 468
Portland, Oregon 97205
Phone: (503) 227-3664
Fax: (503) 227-3679
Email: fangelo@angeloplanning.com

Property Description: Portion of 21E35C02100 and 21E35C02200

Current Zoning: Willamette Neighborhood Mixed Use Zone

Application Submitted For: Temporary Use Permit



Table of Contents
TVF&R Temporary Station 59 Temporary Use Permit Application

Application Form

Temporary Use Permit Request

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Exhibits

- Exhibit A: Station 59 Temporary Apparatus Bay Photos
- Exhibit B: Arborist Report
- Exhibit C: Communications with City of West Linn Staff

Application Form
TVF&R Temporary Station 59 Temporary Use Permit Application

West
Linn

DEVELOPMENT REVIEW APPLICATION

TYPE OF REVIEW (Please check all boxes that apply):

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures |
| <input type="checkbox"/> Appeal and Review * | <input type="checkbox"/> One-Year Extension * |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> <u>Pre-Application Meeting</u> * |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Quasi-Judicial Plan or Zone Change |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Street Vacation |
| <input type="checkbox"/> Final Plat or Plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Flood Plain Construction | <input checked="" type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Hillside Protection and Erosion Control | <input type="checkbox"/> Tualatin River Greenway |
| <input type="checkbox"/> Historic District Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Water Resource Area Protection/Wetland |
| <input type="checkbox"/> Lot Line Adjustment * /** | <input type="checkbox"/> Willamette River Greenway |
| <input type="checkbox"/> Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/> Other/Misc |

Home Occupation / Pre-Application / Sidewalk Use Application * / Permanent Sign Review * / Temporary Sign Application require individual application forms available in the forms and application section of the City Website or at City Hall.

TOTAL FEES/DEPOSIT \$ 1,090.00 * No CD required / ** Only one copy needed

Willamette Capital Investments, 24979 Quarryview Drive, Wilsonville, OR 97070

OWNER'S	ADDRESS	CITY	ZIP	PHONE(res.& bus.)
Gary Wells,	Tualatin Valley Fire & Rescue, 20665 SW Blanton ST,	Aloha,	OR 97007	(503) 642-0331

APPLICANT'S	ADDRESS	CITY	ZIP	PHONE(res.& bus.)
Frank Angelo,	Angelo Planning Group, 921 SW Washington ST, Suite 468,	Portland,	OR 97205	(503) 227-3664

CONSULTANT	ADDRESS	CITY	ZIP	PHONE

SITE LOCATION Portion of tax lot 21E35C02200

Assessor's Map No.: 21E35C Tax Lot(s): 2200 Total Land Area: 4,500 sq. ft.

- All application fees are non-refundable (excluding deposit).
- The owner/applicant or their representative should be present at all public hearings.
- A denial or grant may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format.**

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application.

SIGNATURE OF PROPERTY OWNER(S)

X [Signature] Date 11/2/09

SIGNATURE OF APPLICANT(S)

X [Signature] Date 11/17/08

BY SIGNING THIS APPLICATION, THE CITY IS AUTHORIZED REASONABLE ACCESS TO THE PROPERTY. ACCEPTANCE OF THIS APPLICATION DOES NOT INFER A COMPLETE SUBMITTAL. COMPLETENESS WILL BE DETERMINED WITHIN 30 DAYS OF SUBMITTAL.

PLANNING AND BUILDING; 22500 SALAMO RD #1000; WEST LINN, OR 97068;

PHONE: 503 424 23 FAX: 503 440 6

Application Narrative
TVF&R Temporary Station 59 Temporary Use Permit Application

Project Background

In July, 2008, Tualatin Valley Fire & Rescue (TVF&R) submitted a development application to the City of West Linn to construct a new fire station located at 1860 Willamette Falls Drive (31E02BA02000 and 31E02BA01100). That application included a Conditional Use (CUP-08-01), a Design Review (DR-08-08), and a Variance (VAR-08-05) application. The site is currently occupied by TVF&R Station 59 which will be removed and a new station will be constructed on the same site in a similar location. The removal and construction of Station 59 is funded as part of a bond measure approved by voters in 2006 to upgrade and improve the safety and operations of TVF&R's fire stations. The location of the station works well from an emergency response perspective but concerns about soil stability, building layout, size of apparatus bays (too small for standard sized fire engines), and dated mechanical and electrical systems make the facility deficient. In addition, a lack of compliance with current seismic standards for public safety response buildings makes the station a liability in the event of an earthquake.

At the time of the original development application submittal, TVF&R stated that they were "negotiating with several nearby property owners for the temporary relocation of the fire station with the most likely outcome being a double-wide modular home for the crew and a temporary Quonset hut-style building for the fire engine. The temporary station will be placed as close to the current location as possible so response times should be very similar." Since that submittal, TVF&R has successfully negotiated with a neighboring property owner to rent an existing home (1800 8th Avenue, 21E35C02100) to house the employees and to erect two structures on the adjacent lot (21E35C02200) to accommodate the fire apparatus and vehicles (see Figure 1, page 5).

Project and Site Description

TVF&R is submitting this Temporary Use Permit application with the City of West Linn to allow the temporary apparatus bays to be placed on a portion of an empty lot (tax lot 21E35C02200, see Figure 1, page 5) and to allow for a walkway to be installed between the temporary apparatus bays and the living quarters (tax lot 21E35C02100). The applicant understands that there will be no permit required for the use of the existing home as living quarters for the station employees.

As shown on Figure 1, the site for the proposed apparatus bays is located north of the existing Station 59 across 8th Avenue. The proposed site is an empty field that is not currently being used. The field is approximately 37,000 square feet or 0.85 acres in size. TVF&R will be installing an asphalt pad for the temporary apparatus bays on the southwest corner of the lot. The asphalt pad will measure approximately 4,913 square feet and will be located approximately 7 feet from the property line to the west and will front on the existing southern property line (see Figures 2 and 3, pages 6 and 7). The asphalt pad will be constructed of an 8 inch crushed rock layer underneath 4 inches of asphalt.

The two temporary apparatus bays will be installed on the asphalt pad; the first will be along the eastern portion of the development area and will measure approximately 18 by 60 feet and will be set back from 8th Avenue by 38 feet. The second pad, along the western portion of the development area will measure approximately 18 by 50 feet and will be set back by 55 feet. The two temporary apparatus bays are constructed of a light metal frame that is then covered with metal siding. The vehicle doors at the front of each structure are 12 feet high and equipped with an overhead door. The total height of the structures will be 14 feet, 6 inches. Temporary electrical service will be brought in to provide electrical power to the temporary apparatus bays. One of these temporary bays is currently erected on the permanent Station 59 site and will be moved to the temporary site. Pictures of that temporary bay have been attached as Exhibit A.

The asphalt pad within the development area will also act as the ingress and egress to 8th Avenue. There is a large tree located near the proposed new driveway to the site, however, per the Arborist Report in Exhibit B, as long as detailed precautions are taken, there will be no negative impacts to the tree. Additionally, the asphalt walkway that will connect the living quarters to the bays will measure

approximately 4 feet wide and 50 feet long will allow the fire station employees quick and safe access between the two.

The temporary apparatus bays site is located in a neighborhood that includes both residential and commercial neighbors. The areas to the north, south and east of the site are largely commercial while to the west of the site is mostly residential.

Project Timeframe

The reconstruction of Station 59 is expected to begin in early 2009 after all necessary land use and building permits have been acquired. Construction is expected to last through most of the year with completion in late 2009. To accommodate this schedule, the temporary apparatus bays would be set-up in mid-January 2009 and staff would begin using the facilities by mid-February. The staff and apparatus would then re-locate to the newly constructed station by early 2010 and the temporary apparatus bays and the asphalt pad and walkway would be removed from the site.

City of West Linn Development Code Chapter 35 Response

Chapter 35 Temporary Structures and Uses

35.020 Applicability

Notwithstanding the limitations of use as established by this Code in each of the several districts, the Planning Director may issue temporary permits for uses listed in Section 35.040 which are temporary in nature.

Response: The proposed site for the temporary apparatus bays is located within the Willamette Neighborhood Mixed Use Zone. Per Chapter 59, Willamette Neighborhood Mixed Use Zone, public safety facilities, such as a fire station, are allowed as a conditional use within the zone. Therefore, the proposed temporary apparatus bays as part of the overall temporary Station 59 would not be outside of the limits of this Code or of the specific zoning district. Additionally, the temporary apparatus bays fall under the category of "uses associated with construction" of Section 35.040 as discussed below. Therefore, the proposed project does meet the applicability section of this chapter.

35.030 Temporary Structures and Uses, Administration and Approval Process

C. The City Council may issue temporary use permits that will terminate between six months and one year.

Response: The temporary apparatus bays would be on-site for approximately one year which is the length being requested for the temporary use permit. As previously discussed, the reconstruction of Station 59 is expected to begin in early 2009 with the construction expected to last throughout the year with completion in early 2010. To accommodate this schedule, the temporary apparatus bays would be set-up in mid-January 2009 and the staff and apparatus would then re-locate to the newly constructed station upon its completion and the temporary apparatus bays and the asphalt pad and walkway would be removed from the site.

The applicant understands that under the Code Section above, the City Council would review this temporary use permit application. However, per City Staff and Chapter 99, Procedures for Decision-making: Quasi-Judicial, specifically 99.060.B.2.b, of the City of West Linn Development Code, the Planning Commission would be the review body for the temporary use permit:

PLANNING COMMISSION AUTHORITY

B. The Planning Commission shall have the authority to:

2. Approve, deny, or approve with conditions:

b. A temporary use or structure application for a period of greater than six months

Per staff direction (see Exhibit C), the applicant understands that this temporary use permit will be subject to review by the City of West Linn Planning Commission.

35.040 Temporary Uses

A. Temporary uses include:

3. Uses associated with construction;

Response: The temporary apparatus bays are being proposed to house the necessary fire apparatus for the temporary Station 59 during the reconstruction of the permanent Station 59. Therefore, this use is associated with construction and this criterion is met.

B. Temporary uses described in Section 35.040(A) may be approved if they:

1. Are located on property that is appropriate for the proposed use as determined by the Planning Director;

Response: As discussed above, the proposed site for the temporary apparatus bays is located within the Willamette Neighborhood Mixed Use Zone. Per Chapter 59, Willamette Neighborhood Mixed Use Zone, public safety facilities, such as a fire station, are allowed as a conditional use within the zone. Therefore, the proposed temporary apparatus bays as part of the overall temporary Station 59 would be located on an appropriate property.

Additionally, Station 59 serves an area (see Figure 4, page 8) and has a public safety commitment to respond to any emergency calls within 6 minutes and 40 seconds. TVF&R is committed to maintaining the approximately 6 minute response times throughout the reconstruction of the permanent station. This temporary use is a unique situation. The public commitment to fire and life safety require that the temporary station be located as close to the permanent station as possible while remaining near the center of the service area. The proposed site is ideal for those reasons; it is across 8th Avenue from the site of the permanent Station 59, it fronts onto an existing road which allows the firefighters quicker access to the street network and it is near the existing center of the service area.

By allowing the temporary apparatus bays to be located within such close proximity to the existing Station 59 and at a location that is within TVF&R's service area and required emergency response time requirements, this site is appropriate for the proposed use.

2. Have a paved or graveled surface to minimize dust generation or mud tracking;

Response: As discussed above, TVF&R is installing an asphalt pad on-site which will effectively minimize all dust generation and mud tracking.

3. Have adequate parking and circulation space;

Response: The two proposed apparatus bays are essentially sheltered parking spaces for the fire apparatus necessary to the temporary Station 59. When exiting the temporary bays, the apparatus will enter directly onto 8th Avenue. The temporary bays have been placed far enough back onto the site that

the apparatus can pull off of 8th Avenue and back into the shelters. Employees of the temporary fire station will park at the existing house located at 1800 8th Avenue. The proposed asphalt walkway will allow for safe pedestrian circulation between the living quarters and the proposed temporary apparatus bays.

4. Are in an area that will allow safe ingress and egress including adequate line of sight;

Response: The apparatus will exit the temporary site onto 8th Avenue which is an existing street classified as "Local" in the City's Transportation System Plan. The surrounding area and existing street will allow safe ingress and egress for the apparatus. Additionally, per City staff, the line of sight standards only apply to streets with undulations and hills and, as 8th Avenue is a level street, there is no doubt that there is adequate sight distance (see Exhibit C).

5. Have the property owner's signed permission.

Response: Submitted with this Temporary Use Permit application is an application form signed by both TVF&R and the property owner.

Figure 2. Site Drawing



Figure 3. Dimensioned Site Drawing

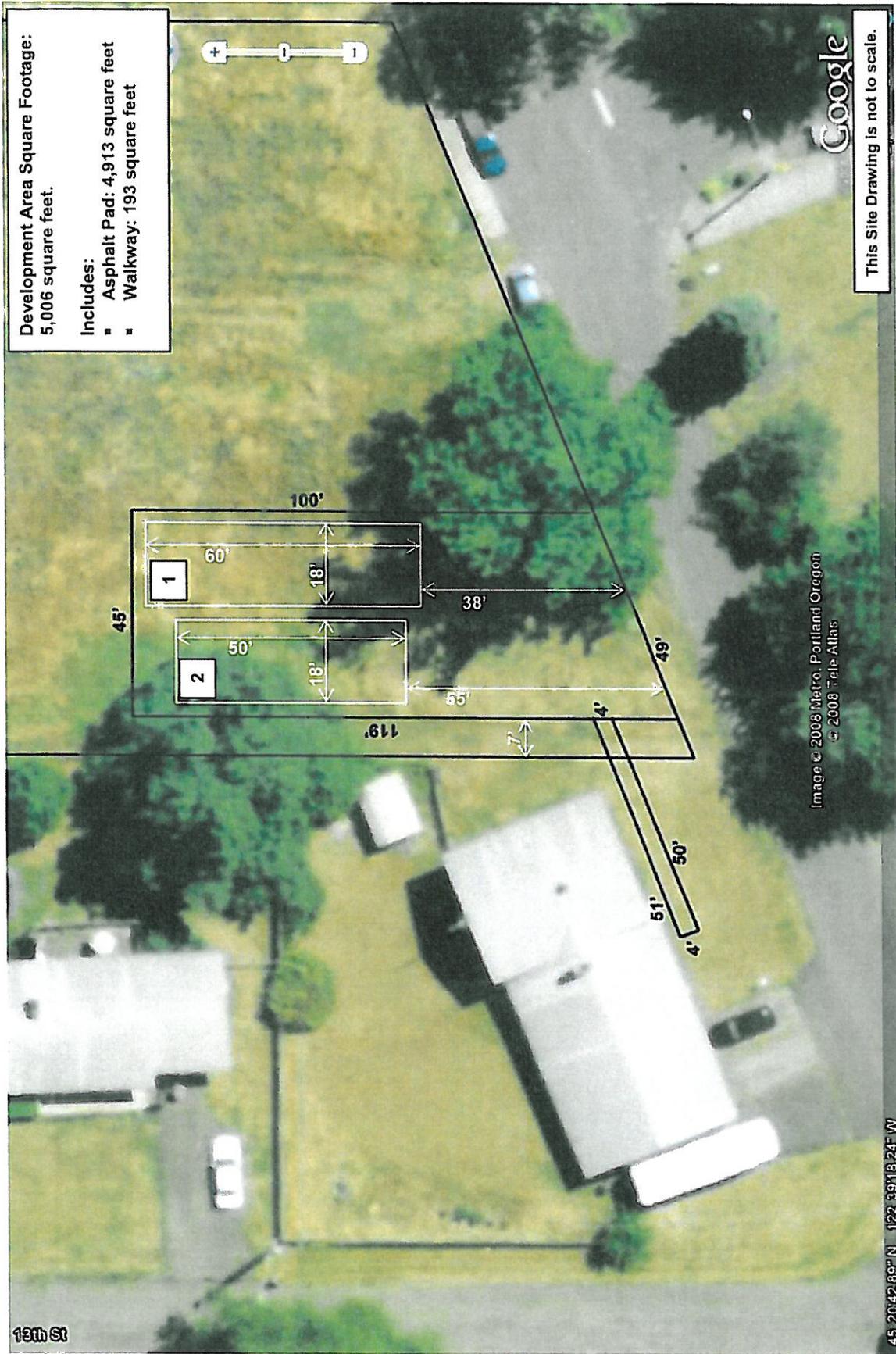
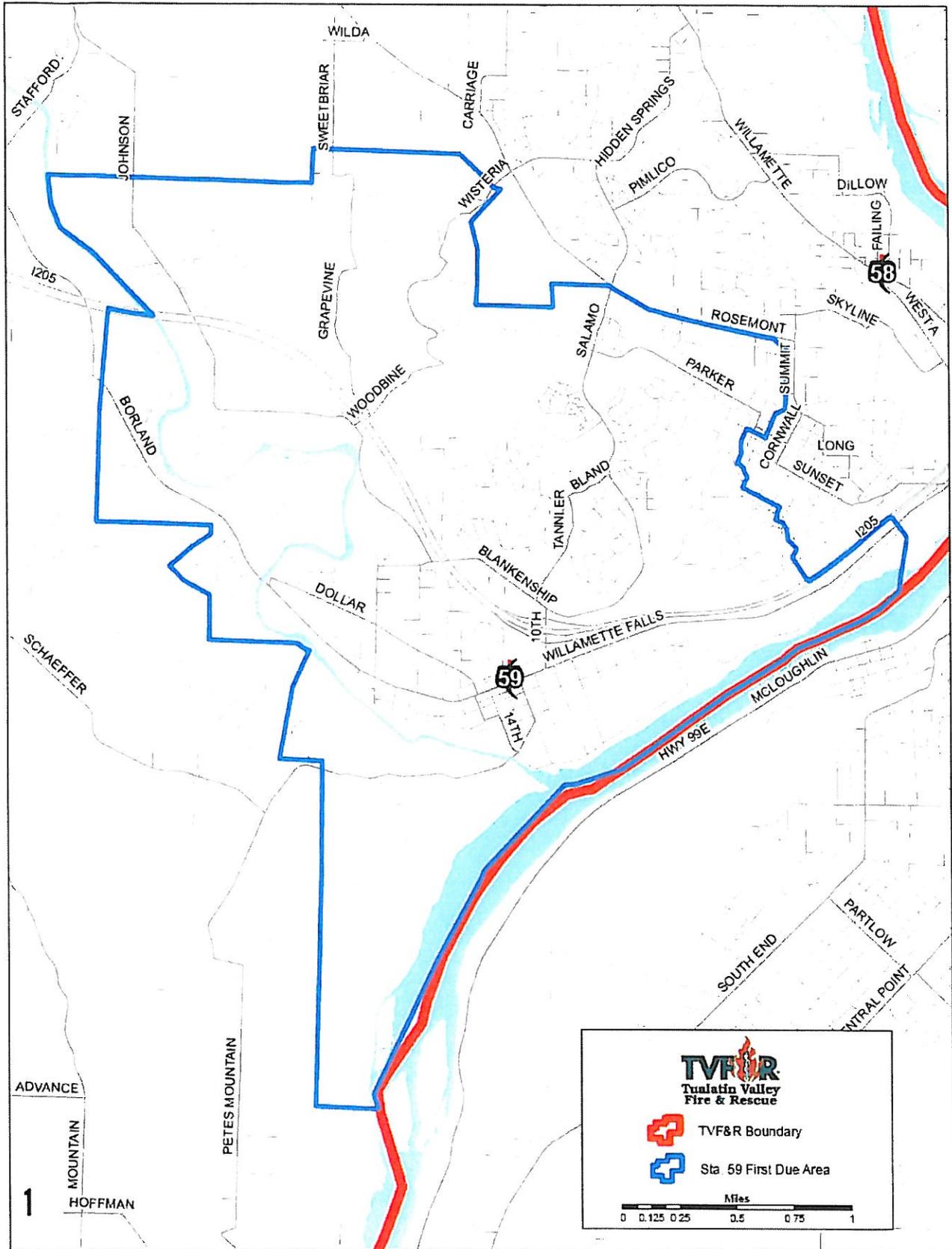


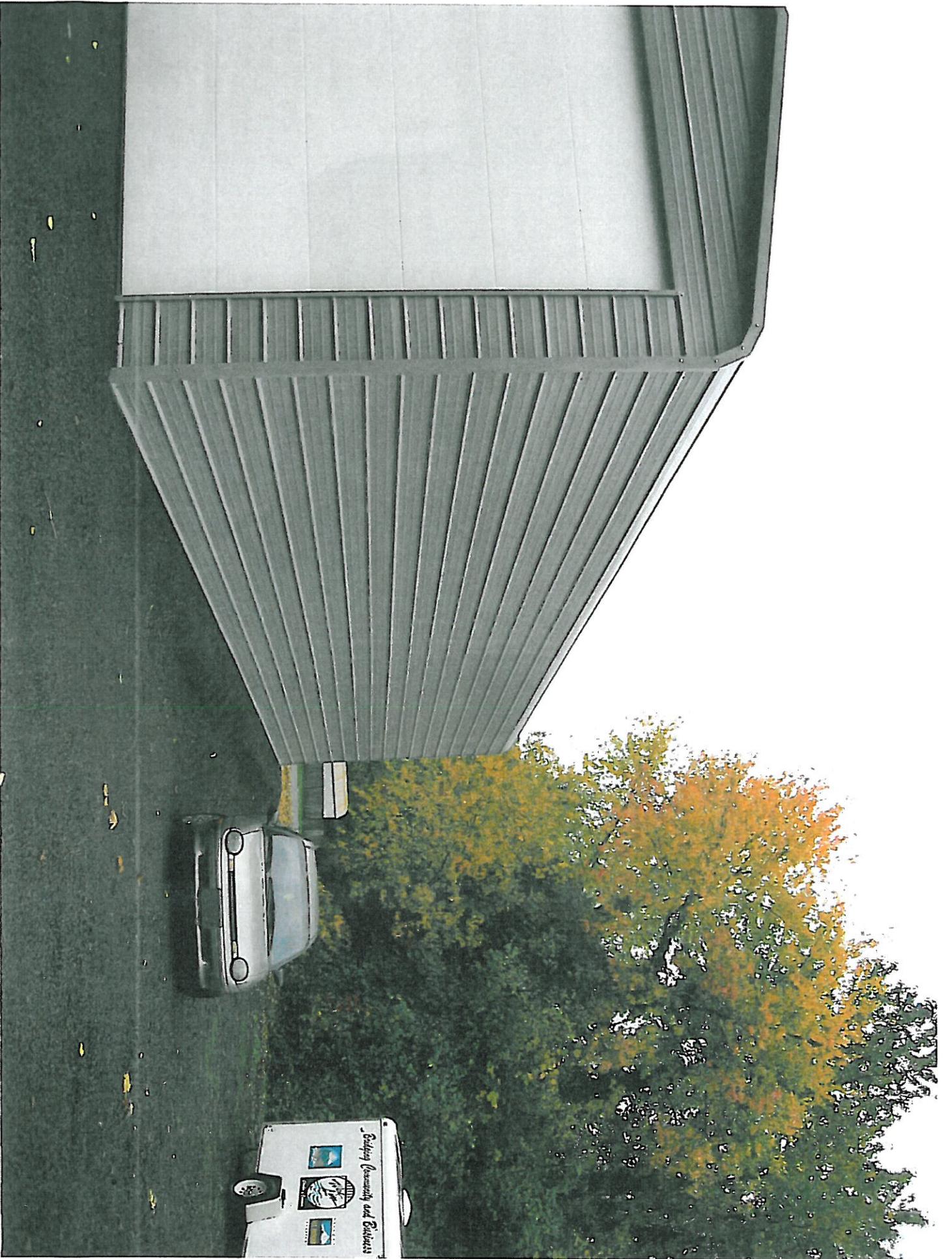
Figure 4. Station 59 Service Area

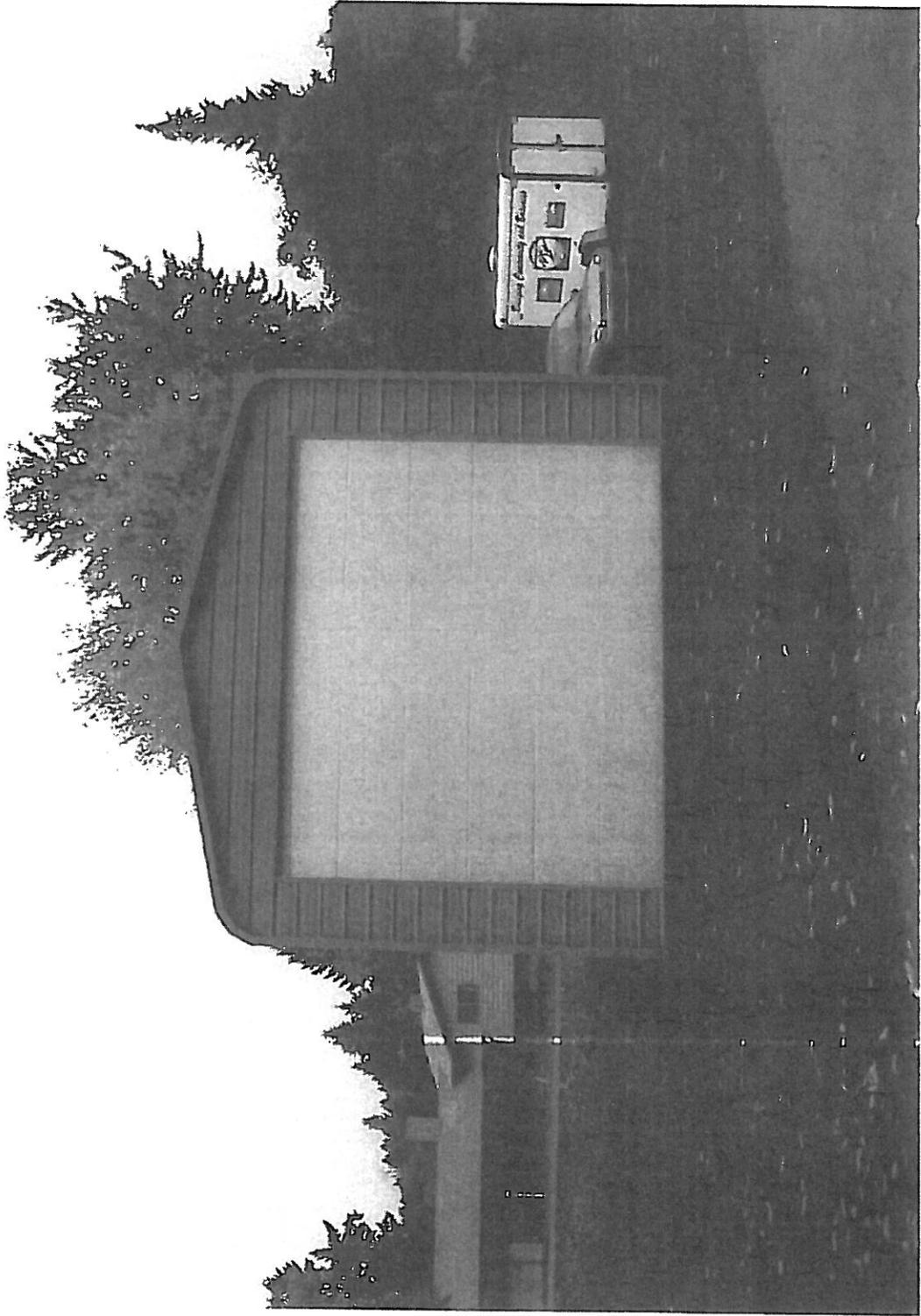


Exhibits
TVF&R Temporary Station 59 Temporary Use Permit Application



Exhibit A: Station 59 Temporary Apparatus Bay Photos
TVF&R Temporary Station 59 Temporary Use Permit Application







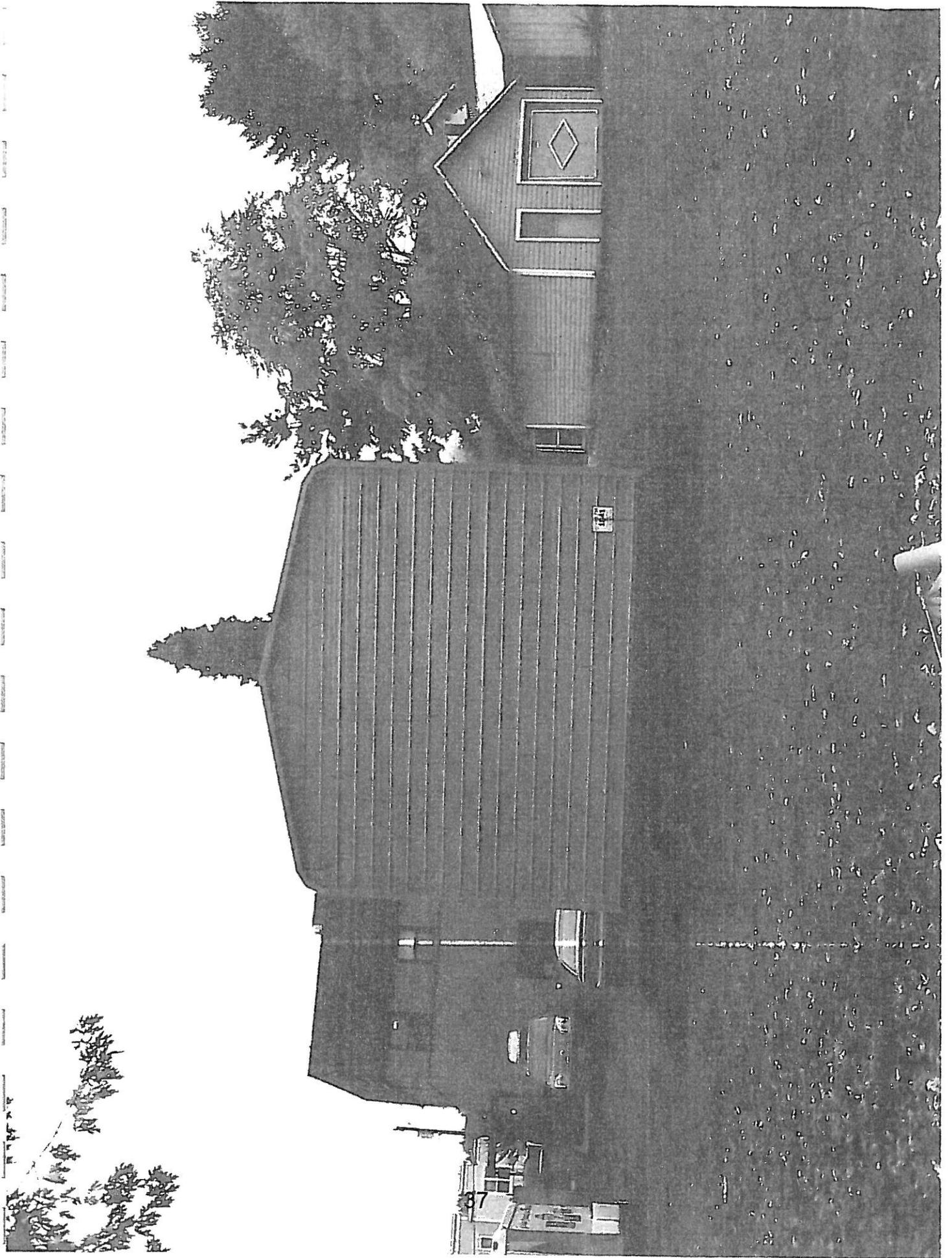


Exhibit B: Arborist Report
TVF&R Temporary Station 59 Temporary Use Permit Application



Western States Arboriculture

Growing, Maintaining, and Preserving Trees of the West

PO Box 19183, Portland, OR, 97280

(503) 320-5635/ (971) 275-6856

service@westernstatesarbor.com

October 27, 2008

Tualatin Valley Fire and Rescue
Mark Higley, Faculty Maintenance
12400 SW Tonquin Rd
Sherwood, OR 97140

To whom it may concern,

We have assessed the location of the new driveway near TVF&R Station 59 and feel that the tree in question will not be impacted by the new driveway as long as precautions are taken. These precautions include: placing construction fencing around the tree to protect the tree and root zone, no soil compaction or grading to take place in the fenced area, any damage to the roots needs to be clean cut, and any exposed roots to be backfilled.

Sincerely,
Western States Arboriculture, LLC

Stephan Lilles
Owner/Consulting Arborist

Jeremiah Sanson, PN-5741A
Consulting Arborist

**Exhibit C: Communications with City of West Linn Staff
TVF&R Temporary Station 59 Temporary Use Permit Application**

Katherine Prew

From: Soppe, Tom [tsoppe@westlinnoregon.gov]
Sent: Friday, October 31, 2008 10:59 AM
To: Katherine Prew
Subject: RE: Temporary Use Question

The Planning Commission per 99.060(B)(2)(b). Ch. 35 reflects the old way; when 99 was changed they forgot to modify the wording in 35 to be compatible, but that is being worked on.

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068

From: Katherine Prew [mailto:kprew@angeloplanning.com]
Sent: Friday, October 31, 2008 10:51 AM
To: Soppe, Tom
Subject: Temporary Use Question

Tom,

Thank you for your help over the phone with my temporary use questions. After looking through Chapter 35 I have a quick question: when we spoke on the phone you said that the application would be reviewed by the Planning Commission but 35.030.C says "The City Council may issue temporary use permits that will terminate between six months and one year." If we were to request a temporary use permit for one year would our hearing be before the PC or the City Council?

Thanks, Katie

Katie Prew, AICP
Angelo Planning Group
921 SW Washington Street, Suite 468
Portland, OR 97205
Direct: 503-224-8225
Fax: 503-227-3679
www.angeloplanning.com

Katherine Prew

From: Soppe, Tom [tsoppe@westlinnoregon.gov]
Sent: Tuesday, November 04, 2008 2:50 PM
To: Katherine Prew
Subject: RE: Temporary Use Permit Question

I guess the standards only apply to streets with undulations and hills. There is no doubt that 8th Avenue has adequate sight distance as it is quite flat. So just say that in your narrative, and it will be fine.

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068

From: Katherine Prew [mailto:kprew@angeloplanning.com]
Sent: Tuesday, November 04, 2008 2:03 PM
To: Soppe, Tom
Subject: Temporary Use Permit Question

Hi, Tom,

One more question about the temporary use permit approval criteria. Code Section 35.040.B.4 requires that there be adequate line of sight and I was wondering if there were specific line of sight requirements that I could look at or if it is simply referencing the clear vision areas in Chapter 42?

Thanks, Katie

Katie Prew, AICP
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